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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,280	12/11/1998	HAN JUNG	4805.0072-02	7189

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

YOUNG, WAYNE R

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 05/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/209,280

Applicant(s)

JUNG ET AL.

Examiner

W. R. Young

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,25,27-29,31,33-38 and 40-44 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 23,25,27-29,31,33-38 and 40-44 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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1. Claims 23, 25, 27-29, and 44 are objected to because in claims 23 and 28, there is no antecedent basis for "extracting **the indicating information**", thus a reference to the information being --indicating information-- should be added to the claims prior to the "extracting" limitation.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 25, 27-29, 31, 33-38, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Fujinami.

Applicant's admitted prior art in the reproduced audio signal processing art, discloses all the subject matter claimed, except for the claimed plural audio signal types and information indicating same, extracting the indicating information and use thereof in separating the plural audio signal types, plural audio presentation parts, and controlling output of the plural audio signal types based on user input. Note pages 1-4 and figures 1-3 of the specification for "demodulator" 11-12 and "processor for receiving the audio signal" the "processor including a system time clock, a memory for storing" the "audio signal" and "audio presentation part receiving the system time clock to control a presentation timing" of the "audio signal" 13.

Fujinami in the reproduced audio signal processing art, discloses on the front cover and figures 7-16, plural audio signal types and information indicating same A0-A6, TOC, extracting the indicating information and use thereof in separating the plural audio signal types 3, 13, 5, plural audio presentation parts 8a-8c, and controlling output of the plural audio signal types

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based on user input 11, in order to provide a more pleasurable presentation experience to an end user. Also note column 7, line 52 – column 11, line 45, esp. column 9, lines 5-12 and column 10, lines 47-50.

It would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to provide plural audio signal types and information indicating same, extracting the indicating information and use thereof in separating the plural audio signal types, plural audio presentation parts, and controlling output of the plural audio signal types based on user input instead of only one audio signal type as in the admitted art as suggested by Fujinami, the motivation being to provide a more pleasurable presentation experience to an end user.

4. Applicant's arguments filed 12/20/02 have been fully considered but they are not persuasive.

Applicant's argument on page 9 regarding added limitations corresponding to limitations in a claim allowed in the copending application, is not convincing. Although the claim amendments add limitations found in the claim allowed in the copending application with regard to which applicant has filed a Terminal Disclaimer, the proposed new claims lack substantial limitations that renders the claims broader and thus not clearly patentable for the same reasons as in the copending application.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. R. Young whose telephone and VoiceMail number is (703) 308-1554. If a plurality of attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (703) 305-4827.

The appropriate fax phone number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700 or the Group Customer Service section whose telephone number is (703) 306-0377.



WAYNE R. YOUNG
PRIMARY EXAMINER
ART UNIT 2655

wry/wry
5/14/03